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JAMA, ISAAK R				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/565,313

**Applicant(s)**

LEE ET AL.

**Examiner**

ISAAK R. JAMA

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) 5 and 18 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4, 6-17 and 19-23 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 05/04/2009  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Status of claims**

1. Claims 1-4, 6-17 and 19-23 are amended.
2. Claims 5 and 18 are cancelled.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

- The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).
5. Claims 1, 3, 4, 10, 13, 14, 16, 19, 20 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 7,149,537 (Kupsh et al.).

4. Regarding claims 1 and 13, Kupsh teaches a method of two-way communication between a computer and a mobile telecommunication device **[Figure 1, #s 22, 24 and 4, 6, 8 and 10]** including comprising the steps of: accessing a web-site via a web browser installed on the computer, sending a message to a message server from the web-site **[Column 1, lines 47-55]**; capturing at the message server identification information associated with the computer; assigning an identification number to the identification information associated with the computer; storing the identification number assigned to the computer together with the identification information associated with the computer in a database; and delivering the message together with the identification number to the mobile telecommunication device whereby the mobile telecommunication device's subscriber can send a response message to the computer utilizing the identification number received from the message server **[Column 2, lines 9-22]**
5. Regarding claims 3, 16 and 20, Kupsh further teaches that the step of capturing the receiving mobile telecommunications device number at the message server **[Column 1, lines 52-54]**.
6. Regarding claim 4, Kupsh further teaches that the step of storing the mobile telecommunications device number in the database **[Figure 2, steps 210-250; columns 4 & 5, lines 63-67 and 1-5]**.
7. Regarding claims 10 and 22, Kupsh further teaches sending an acknowledgement message to the web browser when the message is received **[Figure 2, steps 210-280, column 5, lines 52-65]**.

8. Regarding claim 14, Kupsh teaches that the web site is provided by a telecommunication service provider **[Page 1, lines 49-50; i.e. Verizon Wireless allows Internet users to access its web site]**.
9. Regarding claim 19, Kupsh teaches that the message server is further arranged to: extract from the identification number from response message sent by the a mobile telecommunication device match the identification number with the identification information stored in said database; and forward the response message to the computer associated with the identification information to which the identification number was assigned **[Columns 6 & 7, lines 66-67 and 1-8]**.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 6-9, 15, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 7,149,537 (Kupsh et al.) in view of U.S. Patent Application Publication Number 2002/0141384 (Lui et al.).
10. Regarding claims 2 and 15, Kupsh has been discussed earlier. What Kupsh fails to teach is that a set number of identification numbers are available for assigning by the message server. Lui teaches that a set number of identification numbers are available for assigning by the message server **[Page 1, paragraph 0008; i.e. IP addresses are a finite number]**. Therefore, it would have been obvious to a person of ordinary skill in

the art at the time the invention was made to include the method of Lui in the system of Kupsh in order to minimize the load on the system.

11. Regarding claim 6, Kupsh has been discussed above. But Kupsh fails to teach that the identification number includes a portion identifying the message server. Lui teaches that in the event that the remote client is located behind a NAT server, the step of extracting the source IP address and port number from a received media datagram will identify the IP address of the NAT server and the port number of the NAT server which will be routed back to the remote private network client **[Page 7, paragraph 0069]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the method of Lui in the system of Kupsh in order to identify the source of the message.

12. Regarding claim 7, Kupsh further teaches a method of two-way communication between a computer and a mobile telecommunication device **[Figure 1, #s 22, 24 and 4, 6, 8 and 10]** including comprising the steps of: accessing a web-site via a web browser installed on the computer, sending a message to a message server from the web-site **[Column 1, lines 47-55]**; capturing at the message server identification information associated with the computer; assigning an identification number to the identification information associated with the computer; storing the identification number assigned to the computer together with the identification information associated with the computer in a database; and delivering the message together with the identification number to the mobile telecommunication device whereby the mobile telecommunication device's subscriber can send a response message to the computer utilizing the

identification number received from the message server **[Column 2, lines 9-22]**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the method of Lui in the system of Kupsh in order to identify the source of the message.

13. Regarding claim 8, Kupsh further teaches that the step of capturing the receiving mobile telecommunications device number at the message server **[Column 1, lines 52-54]**.

14. Regarding claims 9 and 21, Lui teaches that the server is further arranged to use the database to match the identification number to information uniquely identifying a computer and the receiving mobile telecommunication device number **[Figure 1, # 19, paragraph 0034; i.e. the directory includes a mapping table which correlates a 10-digit identification number which is permanently assigned to each internet client]**.

15. Regarding claim 17, Lui further teaches that the step of storing the receiving mobile telecommunication device number in the message server database **[Figure 1, # 19]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the method of Lui in the system of Kupsh in order to keep track of the flow of messages.

16. Claims 11, 12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 7,149,537 (Kupsh et al.) in view of U.S. Patent Number 7,412,486 (Petrack et al.).

17. Regarding claims 11 and 23, Kupsh has been discussed earlier. What Kupsh fails to teach is that after the message server receives a message from the web browser the message server posts a message to the web browser informing the web browser's user that to receive a response the web browser must remain open. Petrack teaches a method and apparatus for providing a web-based messaging system [Title], whereby the web browser thus waits and operates to continually keep the connection in open state in order to receive any remaining portions of the messaging page that are forthcoming, such remaining portions being the messages [Column 12, lines 46-50]. In addition, and in regard to claim 12, Petrack further teaches that to avoid timeout of the long-lived messaging connection, the message handler process can operate the connection maintainer to periodically send blank or empty messages prior to a timeout elapsing for the long-lived connection. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the method of Petrack in the system of Kupsh in order to avoid losing any important messages.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within



TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAAK R. JAMA whose telephone number is (571)270-5887. The examiner can normally be reached on 7:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/IRJ/

/Lester Kincaid/  
Supervisory Patent Examiner, Art Unit 2617